

WHEREAS, on April 30, 2019, the Court entered a Stipulated Confidentiality Agreement and Protective Order (the “Protective Order”) (*Michelo* ECF No. 92; *Bifulco* ECF No. 48) in the above-captioned actions;

WHEREAS, in October and November of 2019, Plaintiffs in the above-captioned actions served subpoenas on non-parties VCG Securities, LLC, VCG Owners Trust, and Pathmark Associates LLC (the “Subpoenas”);

WHEREAS, Rule 45 of the Federal Rules of Civil Procedure requires that “[a] party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena;”

WHEREAS, the non-parties that have received the Subpoenas (the “Responding Non-Parties”) are preparing to make a voluminous production and have indicated that the documents requested by the Subpoenas contain information that can be designated as “Confidential” under the terms of the Protective Order;

WHEREAS, Plaintiffs agree to provide the Parties to this action with copies of all documents produced in response to the Subpoenas within twenty-four (24) hours of Plaintiffs’ receipt of such documents from the Responding Non-Parties, barring unforeseen circumstances including technical problems with file-sharing, in which event Plaintiffs will provide immediate notice of any such issues within that twenty-four (24) hour period and will provide such copies as soon as feasible;

WHEREAS, the Responding Non-Parties have requested certain accommodations that will allow the Responding Non-Parties to make their productions more promptly and at a substantially decreased cost;

WHEREAS, the Responding Non-Parties have represented that if a Party to this action notifies the Responding Non-Parties of a need to file or use a redacted public version of a specific document, or up to 25 specific documents, that the Responding Non-Parties have designated as confidential, the Responding Non-Parties will provide a redacted public version of such document or documents, in accordance with Paragraph 3 of the Protective Order, within five (5) business days of such notification, and that if a Party to this action notifies the Responding Non-Parties of a need to file or use a redacted public version of any additional specific documents, exceeding 25 documents, the Responding Non-Parties will provide the redacted public versions of those additional requested documents within twenty (20) days of such notification;

WHEREAS, the Parties to this action agree that the terms of this Stipulation are binding on all Parties hereto upon execution of the Stipulation;

IT IS HEREBY ORDERED that:

1. The Responding Non-Parties may designate a document as Confidential pursuant to the terms of the Protective Order by stamping or clearly marking the document as “Confidential”: (a) without providing a redacted public version of such document or documents in accordance with Paragraph 3 of the Protective Order, (b) unless or until a Party notifies the Responding Non-Parties that such a version is needed for a reasonably limited number of specific documents.

Dated: February 6, 2020

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Dated: _____

Paul G. Gardephe
United States District Judge